

# LICENSE BILL IS RIPPED

## House Passes Liquor Bill to Second Reading.

(From Wednesday's Advertiser.)

Last night's session of the House was of such length that the members had time to pass the newly numbered liquor bill (No. 222, which is the original bill as introduced by the House) to its second reading, and to rip and tear the license act to pieces. The license bill called for all degrees of oratory, most of it dwindling down to "talk-talk," especially over the section concerning the licensing of shows and other entertainments. Despite the efforts of Quinn, Long, Harris and others to give the Honolulu legitimate showman a license fee which would not eat deeply into his nightly receipts, the majority favored having him pay \$5 a night for every performance. As one legislator expressed it, "We have got to have every cent we can get to pay our county expenses."

### HOUSE NIGHT SESSION.

Holstein said if the House wanted to pass a liquor bill why it should go ahead and do so.

He said he did not care a snap whether the bill passed or not, but if the people wanted it, it should be passed. The House was up against it. The Senate would have to come to time. The trouble was because the Senate had ripped up the bill the House had passed.

Greenwell arose again to request that the bill be passed to a committee. He favored a suspension of the rules to permit the bill to pass its second reading. He did not desire the bill rushed through irrespective of rules.

Cox said the bill was identical with the bill already passed—No. 165. It was revised as No. 222. He wanted to know where the House was at.

Harris said the bill was an absolutely new bill under the circumstances.

Kaleopu said if 222 was the same as 165, the bill had already been passed its fourth reading.

Harris reiterated that the bill had been amended by the Senate and had been vetoed.

Kaleopu said the House could force the Senate to pass this bill.

Andrade said the House had established a precedent in such a matter, the granting of divorces on the ground of leprosy, which is a law. The case was parallel to the liquor bill. It was nonsense to waste time as to whether or not the bill was to be acted on. Let the bill be passed to its second reading.

He favored passing it the second time by title.

Aylett thought it improper to bring in the new bill now. There is no veto on the bill yet. ("Not on No. 222," said various members). He was opposed to taking up this measure. In the case of other bills placed before the House in substitute for others it was after the veto was received.

Mr. Aylett was reminded that the Governor had already vetoed the bill, and notice thereof had already been received, but consideration of the same had been deferred to 11 a. m. Wednesday.

Aylett said he came to discuss the taxation bill, not a liquor bill. He favored working on the bill in the daytime.

Harris could see nothing erratic in considering the bill now. The case was this: The ones who wanted a new liquor law were the ones who would suffer. The people of the territory would be the gainers by taking away the power in the matter from the Governor. There was a joker put in the bill by the Senate which killed it.

There was not a man in the town who would not say the bill was rotten. The liquor men themselves were opposed to the bill passed by the Senate. The Senate had inserted a clause calling for ten cents a gallon for distilling liquor. Revenue Collector Chamberlain told him such a clause made it prohibitory to distill liquor in the islands.

The House passed a fair liquor bill, and the Senate "played it" and the people. When public sentiment was aroused the Senate asked the House to take half the blame. He believed the House should pass its original bill again. The liquor men said the bill then was good. The House committee was assured of this, and also that the Governor would sign it. The original bill, is conceded to be a fair bill stripped of the Senate amendments. Therefore, there was nothing to prevent the House from reintroducing the bill again. If the House overrides the Governor's veto, what guarantee has the House that the Senate will sustain the House? The House should go on record as believing it had passed a fair bill, in its original shape.

"In my judgment, the Senate amendments are rotten," said Harris. "Kokua," said several members in endorsement of his remarks.

Sheldon at this juncture moved to suspend the rules to permit the Solons to smoke their Havanas. The request was granted.

Aylett inquired whether if the House passed the new bill, there was any assurance of the Senate treating it right.

Harris thought that the Senate believed it was ashamed of itself for having had the temerity of passing such a bill. Some Senators had told him so. In answer to a question, Harris said he had no assurance that the Governor would sign the new bill, but he believed the Governor was in favor of some liquor legislation and might extend the session if necessary to have it done.

Aylett said he had, in no former session, seen so many vetoes, and therefore he was in doubt as to what the Governor would do.

"Question! question!" called out several members.

The Speaker then put the question to a vote to suspend the rules to pass the bill at second reading by title. The House voted in favor of the question, and the bill was then declared to have passed its second reading.

The House then took up Senate bill No. 19, repealing certain sections of the revised statutes relating to the distilling of liquors.

### HOUSE BILL, 201.

Harris moved to take up bill 201 for third reading. The bill, relating to special appropriations for departmental use, was read. Coelho amended by inserting \$1500 to pay for jurors in the Maui Circuit Court. The bill as amended passed third reading, the total amount calling for \$12,000.

### LICENSE BILL.

The House went into session as a committee of the whole to consider Senate bill 48, relating to licenses. Smith asked leave to amend the bill by inserting a clause explaining what poisonous drugs are. The amendment went in as section 54A.

Under "merchandise," Harris moved to strike out section 60 which related to a sliding scale for license fees from \$50 to \$500. He explained that every merchant had to pay one per cent on his stock of goods, and two per cent on his net profits. Now he is called upon to pay a license to sell his goods.

"Whenever a country wants to raise money they hit the merchant—he's easy," said Harris.

"Take the lawyer who does \$100,000 a year's business, (laughter), what do you get out of him. He pays \$50 a month for an office in the Stangenwald or Judd building, and what do you get out of him? He doesn't keep books, and the government is up against it. But the merchant is hit every time. It's double taxation."

Kaniho thought it was a very funny proposition for Mr. Harris to ask for the elimination of the section, especially as he was a merchant. This caused a laugh, but not so much a one as that which Harris put to Kaniho asking if the latter did not vote last session to eliminate ministers from paying taxes.

"Yes," replied Kaniho, "but I still pay taxes."

Harris said then he was willing not to vote, but Chairman Sheldon ruled that Mr. Harris represented many constituents and had a right to vote. Kaniho insisted, however, that Harris had no right to vote. Harris, to still the troubled waters said he would not vote and would be glad to leave the matter to the good judgment of the majority.

Harris's motion was lost. Then an amendment was offered that a business having less than \$1000 annual sales, be taxed at \$12.50. Mr. Harris said the collector would run up against Chinese and Japanese stores where no books were kept and every one would assert that he did less than \$1000 worth of business. It was a proposition which gave a solar plexus blow to the white business man. He thought the \$25 minimum should be maintained. Under this merchandise license provision the government estimated it would derive \$126,000 in revenue. Harris thought every merchant should be required to keep books in the English language.

Kaniho wanted to know how a Chinaman, who didn't know English, could keep books in English? The same with Hawaiian merchants who did not know English. The amendment and section were passed.

Long did not favor the section which required an applicant to put his application for a license to the sheriff. He wanted to know whether the sheriff had the right to refuse to issue a license. If so, he was opposed to the section. Waterhouse called attention to another section requiring the sheriff to issue a license upon any application.

The section relating to the license fee for public shows, etc., called for discussion. The request to have an annual license reduced to \$60 from \$5 a night was fought.

Andrade thought \$5 a night was cheap enough. Quinn said that the \$5 a night proposition was keeping good shows away.

Harris said the Orpheum was up against it. Smith said one show recently played to \$900 and \$600 houses. Harris said if the \$5 a night proposition was maintained a certain company on the coast would not come here.

Long told of the experiences of Manager Cohen of the Orpheum. He was a taxpayer. He had immense expenses. He had to pay \$5 a month for the play house whether he had a show here or not. It was exorbitant to charge a man in the business legitimately. For a person, a lecturer or other public entertainer, let him pay \$5 a performance.

Andrade did not believe in reducing the show tax. He said there had been no complaint—except from Mr. Cohen. The Chinese and Jap theaters and the Opera House had made no complaint. Several members assured Andrade that Cohen had complained. Andrade insisted that by sticking all theatrical managers the country would continue to derive about \$400 a quarter from entertainment sources. Andrade moved to pass the section as it appeared in the bill.

Aylett wanted the following scale \$5 for a performance; \$100 a month; \$250 for three months; \$1000 a year.

Quinn said the show business today was a dead letter, because of the high license.

Long said the Aylett amendment was ridiculous. He amended it to \$1 a night; \$10 a month, and then Quinn moved to adjourn.

The motion to pass the section as it appears in the bill prevailed, \$5 a performance.

The section concerning safely deposit companies which rent boxes was amended by Harris to call for \$250 a year for a license.

Long wanted tally-hos taxed at \$10 and vehicles carrying four or less persons, \$5. Long's amendment carried.

The hour was 10:45 and a motion was made to rise and take a recess until this morning. Speaker Knudsen then took the chair, and order was restored. Chairman Sheldon reported progress, and the report was adopted as far as it had been amended.

Adjournment was taken to 10 a. m. today.

# THE SENATE IS TRYING TO FINISH UP WORK

## Neither Body Voted on the Veto of the Liquor Bill and the House Spends Most of its Time in Talk.

(From Wednesday's Advertiser)

Neither House of the legislature voted on the Governor's veto of the liquor bill yesterday. The Senate devoted the day to general legislation in an effort to get some kind of a clean-up before the time comes for adjournment. In fact, there remain now about seven days more of the regular session, and not even the most sanguine statesmen believe for a moment that the Governor will grant an extension. That being true, a large number of bills will necessarily fall into the limbo of forgotten things from sheer inability to reach them in the time that is left. And when the extra session is called it can only take up the appropriation bills.

The House yesterday sustained the veto of the bill increasing the pay of jurors, and spent most of the balance of the day in talk.

### THE SENATE.

There was a little spat and a large amount of business in the Senate session yesterday. The spat, which after all did not harm and served to wake up the somewhat sleepy solons, came at the afternoon session during the discussion of the report of the Ways and Means Committee on the second reading of the bill defining the powers of trust companies. The President had put the question on such companies.

"One, two, three, four, five, six," said the President, counting the hands raised on the affirmative vote.

"One, two, three, four," said Senator Lane, looking around in his seat and counting in a perfectly audible tone of voice.

"I am counting here," said the President, suddenly stopping the proceedings. "I object to this. If you want to count these votes, come up here and take the chair."

"I meant no harm," said Lane.

"You have no right to count," said the President. "I will leave the chair if this thing is continued."

"I beg your pardon," said Lane, "but I think that I have the right to count the votes for myself."

And then the little storm passed, the Senate settled down to business once more, and the session ran as smoothly as a Territory going down hill on an oiled road with no brakes set.

### REPAIRING THE COUNTY ACT.

The effort to repair the County Act so as to make it workable was in evidence at the opening of the session yesterday in the introduction by Dickey of a bill transferring the use and control of roads, bridges, and other public works from the Territory to the counties, and providing for their maintenance. The bill was read through, and passed first reading.

Dickey introduced a resolution asking the Attorney General for an opinion as to whether the Territory had the right to transfer the control of roads and bridges to the counties. The resolution passed.

The order then came on consideration of the Governor's veto of the bill raising the pay of jurors, and action was deferred until today.

House Bill 160, the trading stamp bill, came in with a report from the Revision Committee, and its third reading was deferred until Saturday.

House Bill 52, the Standard Telephone franchise bill, was read for the second time and Bishop made a speech in support of the bill, although he was doubtful as to whether the right of way across private property could be given to the telephone company under the law. However, in order to get a half way modern telephone service, he was willing to take a chance.

Dickey said the right of condemnation given under the bill was but slight, and should be given under the bill, and then the section giving the right to lay conduits passed.

There was a lot of discussion upon the provision of the bill permitting the purchase of the old telephone system by the new, Dickey saying that he feared the possible creation of a monopoly. That was one of the evils complained of now. The section, however, passed.

The section providing for the payment of 2 1/2 per cent per annum of the gross receipts of the company to the Territory was amended so as to make the payments begin at the end of two instead of five years. The bill then passed second reading, and will be read for the third time today.

The Governor's veto of the liquor bill had come in during the consideration of the telephone franchise bill, and consideration of it was postponed until this morning at 10 o'clock.

Senate Bill 123 was taken up on third reading, and passed. McCandless, Paris, Achi, Bishop, Gandall and Hewitt voted against it.

McCandless from Public Lands Committee reported adversely on Senate Bill 133 to exempt railroads in Hamakua from taxation for a given number of years, on the ground that there were no railroads in that district.

Bishop, as the introducer of the bill, protested against the report as inadequate, the bill being for the purpose of encouraging the building of railroads in the district mentioned in the bill.

The report was not adopted, and on a motion to postpone to be considered with the bill, McCandless protested that the Public Lands Committee was not opposed to railroads, but was opposed to tax exemptions. And he proceeded to charge that if Bishop had taken the interest in the bill for the building of a railroad on Oahu that he did for a tentative railway in Kohala, he would have done more for the Territory.

Woods and Paris both said that they would vote for any railroad into Kohala from Hilo, but said that the Bishop bill was altogether indefinite and provided nothing.

Bishop defended his action, saying the bill was a measure in favor of anybody who would build a railway into the Kohala country, and then the report went over to be considered with the bill, which was put on the order of the day for Wednesday.

The Secretary of the Territory notified the Senate that the Governor had signed Senate Bill 90, the veterinary bill.

### MORE COUNTY ACT REPAIRS.

The Senate tried several times during the session yesterday to get action on Senate Bill 138, which is the Dickey bill providing money for the counties, and late in the afternoon adopted the report of the Ways and Means Committee, which passes on third reading the Dowsett substitute for the Dickey bill.

The new bill, in its essential features, has added to it a new section, which provides that the road taxes shall form a separate fund in the Territorial treasury, to be drawn upon only for road purposes, and then only by the counties paying in the several amounts in the fund. In other words, it is planned to spend in each county the road tax collected in such county. The bill follows:

Section 1. Fifty per centum of the total amount of poll and school taxes and taxes on property and income collected in each county shall be paid by the Treasurer of the Territory of Hawaii to the Treasurer of such county in the following manner:

1. The Auditor of the Territory shall on the last legal day of each and every month issue a monthly warrant on the Treasurer of the Territory in favor of each County Treasurer, such monthly warrants for the half year from July to December, 1905, inclusive, shall be in an amount not less than 10 per cent, and thereafter in an amount not less than 15 per cent of the estimated tax payable to each county within every half year, and within the first fifteen days of January and July of each year, the said Auditor of the Territory shall issue a warrant on the Treasurer of the Territory in favor of each County Treasurer for an amount equal to the balance in favor of each county less the amounts of the warrants issued and interest paid for such warrants, during the last preceding six months.

2. When any such warrant is presented to the Treasurer of the Territory for payment, if there is money in the Treasury for the purpose, he shall pay the same and write or stamp on the face thereof "Paid," the date of payment and sign his name thereto, but when the same is not paid for want of funds, the Treasurer of the Territory shall first register the same in a book to be kept for that purpose, shall then endorse "Not paid for want of funds," with the date of presentation, and sign his name thereto and return said warrant to the party presenting the same. From that time until paid the warrant shall bear five (5) per cent interest per annum, and it shall thereafter be paid in order of its registration out of funds properly chargeable therewith.

### INTEREST ON WARRANTS.

3. When there are sufficient moneys in the Treasury to pay the warrants drawing interest, the Treasurer of the Territory shall give notice for one week in some newspaper published in each county, or, if none is published therein, by written notice posted upon the court house door at the county seat for the same length of time, stating therein that he is ready to pay such warrants. Ten days after the first publication or posting of such notice, such warrants cease to draw interest.

4. When the Treasurer pays any warrant upon which interest is due, he shall note on the warrant the amounts of interest paid therein, and enter on his account the amount of such interest distinct from the principal.

Section 2. The funds from such warrants shall be applied by each County Treasurer to the payment of the expenses of his respective county.

Section 3. That out of the taxes payable after July 1, 1905, for the year 1905, the Treasurer of the Territory is hereby authorized to reserve out of the share of each of the several counties for the benefit of the Territory the following sums: From the County of Oahu \$125,000, from the County of Hawaii \$60,000, from the County of Maui \$40,000, and from the County of Kauai \$35,000.

Section 4. Any officer or person who wilfully fails, neglects or refuses to comply with any of the provisions of this act or violates the same, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than

\$1000 nor more than \$5000, or by imprisonment for one year or both.

Section 5. All laws or parts of laws so far as the same may be inconsistent with this act are hereby repealed.

Section 6. This act shall take effect from and after the date of its passage.

### TANGLE ON TRUST COMPANIES.

An unexpected tangle developed in the discussion on the second reading of Senate Bill 125, defining the powers of trust companies, Achi contending that the bill as it was reported from the committee took away the banking privilege from such companies, which he said should not be done.

"If we agree to let them have banking privileges, will Senator Achi agree that trust companies shall pay bankers' license?" asked Bishop.

Achi thought that he would be, but was not sure. He wanted consideration deferred. This was not favored, and the provision permitting trust companies to accept deposits was stricken out. So was a clause that permitted them to do about everything else that they wanted to do.

Achi then moved to defer consideration of the bill until Wednesday, but was voted down and consideration continued. The bill passed second reading. It will be read for the third time on Thursday.

McCandless introduced a bill providing for the construction of roads through and from public lands opened for settlement. Read first time and passed. It will be read for the second time today.

Senate Bill 140, to take up estrays, passed second reading and will be read for the third time tomorrow.

The Governor sent the names of Drs. Herbert, St. Clair and Judd as members of the Board of Medical Examiners of the Territory, and the nominations were confirmed.

Senate Bill 141, to straighten out the tangle in the time for holding terms of the First Circuit Court, passed second reading and will be read for the third time today.

Senate Bill 142, providing for hearing of cases on appeal by the full Supreme Court, passed second reading. It will be read for the third time today.

House Bill 180, raising the legal rate of interest from six to eight per cent, passed second reading. It will be read for the third time on Thursday.

Senate Bill 127, to tax corporations, passed second reading. It will be read for the third time today.

House Bill 188, recommending the issuance of certificates of Hawaiian births, passed second reading. It will be read for the third time Thursday.

Senate Bill 128, amending the educational laws so as to legalize the employment of three school inspectors, passed second reading. It will be read for the third time today.

The President said that he would suggest that all bills now in the hands of committees be returned to the Senate today, as there were but six days more of the session. These would be placed in the clerk's hands, and could then be followed. And then the Senate adjourned.

### THE HOUSE.

What with the Governor's veto of the liquor bill and the abortive attempts to override his veto, the House had a busy day of it yesterday. It wasted the greater part of the morning in an absolutely futile discussion of the veto, and so put in an evening session in order to catch up.

After a wild tangle of motions, consideration of the veto was put over until 11 o'clock this morning.

### A VETO SUSTAINED.

During the afternoon session the House took up the Governor's veto of House Bill 103, raising jurors' fees from \$2 to \$2.50 per diem.

Greenwell moved to sustain the veto and Aylett to override. Lewis supported the motion to sustain. He would have agreed to override, he said, if the expenses of juries in civil suits were paid by the contestants instead of by the public. Cox favored overriding the veto, in view of the fact that there were bills before the House to increase the salaries of the Circuit Judges of the First Circuit by \$1000 a year and of the others by \$500. The Governor also had recommended payments of different lawyers' fees and of incidental expenses of the courts, but when a bill to benefit the poor people comes up the Governor vetoes it.

Several honorable members gave more or less intelligent opinions on the question, but the motion to override failed on division, 18 voting "aye" and 11 "no," the necessary two-thirds not being obtained. The vote was thus:

Ayes—Aylett, Broad, Copp, Cox, Fernandez, Hain, Kalawala, Kaleopu, Kalino, Lewis, Mahelona, Mahioa, Nakuina, Pali, Pulaa, Rice, Sheldon, Waterhouse—18.

Noes—Andrade, Greenwell, Harris, Holstein, Kaniho, Lilikalanai, Long, Quinn, Shipman, Smith, Knudsen—11.

Smith's bill to permit railroads now using steam to employ electric, gas, compressed air or other power was up for third reading. The bill passed by 25 to 2, with a couple of small amendments.

Andrade's bill relating to acknowledgments and proofs of documents passed third reading.

### ANOTHER OVERRIDEN.

On Lewis's motion, the veto of Governor Carter of the Senate bill to provide a High School for Hilo, was taken up. The veto was overridden by a vote of 24 to 4. The "faithful four" were Andrade, Greenwell, Harris and Lilikalanai. Smith and Waterhouse were absent.

### FAST DRIVING.

Holstein's bill relating to the prohibition of fast driving over iron and wooden bridges of more than 10 feet in length passed third reading, amended so that automobiles are limited to a speed of four miles an hour instead of six on bridges.

### JUDICIARY REPORTS.

The Judiciary Committee reported on the following bills:

House Bill 203, to amend the Revised Laws relating to summary proceedings to recover possession of land. Recommended to pass.

Senate Bill 112, to amend the Revised Laws relating to the Board of Agriculture. Recommended to pass with amendments.

# SON OF THE PRESIDENT

## Mormon Chief's Boy a Missionary in Hawaii.

Two very interesting young men left Honolulu on island steamers last evening, one for Maui and one for Kauai. They bear notable names, for one is a son of President Smith of the Utah Mormon Church, with headquarters at Salt Lake City, and the other is a great-grandson of Lorrin Farr of Ogden, Utah, who is said to be the patriarch of one of the largest families in the United States.

Young Smith is the son of President Smith by his fourth wife, it is said. He has been in the Hawaiian Islands about three years, having been sent out by the church on a mission, as was also young Farr. Both are very young men, but it is generally the case that when the church sends its missionaries out into the world they are sometimes not more than nineteen years of age.

The younger, the more zealous in the work. When the church commands, it is for the subjects of the First Presidency to obey. The command falls alike upon the son of the President or the humblest toiler and tithe-payer in the fields, and all alike have to go out preaching the gospel of the Church of Jesus Christ of Latter Day Saints without scrip or purse. Two years is generally the period they are called upon to do missionary labor. They are sent to Germany, Scandinavia, England, Ireland (where they have little success), and the South. In every foreign country they instantly begin to learn the language.

Every island in the Pacific Ocean knows the Mormon missionary. Hawaii has known the young zealous since 1850, when President Smith and George Q. Cannon, then very young men, landed on these shores and began their propaganda. Both picked up the native language in a short time, and when Mr. Cannon revisited Honolulu three or four years ago, he surprised everyone by speaking the language of the islands.

And so young Smith came here about three years ago, and Farr about a year ago. Last night Mr. Farr went to Maui, where he will remain a year. Mr. Smith went to Kauai to remain about the same length of time.

Lorrin Farr, the patriarch, is about 87 years of age. At a reunion of the Farr family held at Ogden two years ago, when his descendants from the two nearest counties assembled, over 200 persons were present.

"And there were more countries to be heard from," said young Farr yesterday while telling the story. "I really don't know just how many descendants my great-grandfather has."

The family is said to number about 400 persons.

Mr. Smith's father is now the head of the Mormon Church. He is a lawyer was the son of Hyrum Smith, brother of Joseph Smith, the founder and martyr of the church. Joseph Smith was killed by a mob in the town jail at Carthage, Illinois, in the early '40's. It is an interesting fact that the Mormon Church has recently purchased the old jail at Carthage and adjacent property and will again occupy the place as a center of Mormon faith.

"We had a reunion of my father's family about four years ago," said Mr. Smith yesterday, shortly before sailing for Kauai, "and there were forty-two present. I don't know how many more there are now," he added jestingly.

House Bill 56, to provide for the recording of instruments within the various judicial circuits and to define the effects of such recording. Recommended passed, Mahelona dissenting.

### FIDUCIARY COMPANIES.

The bill introduced in the House by Coelho for defining and regulating fiduciary companies, was printed and distributed.

Its provisions are of the greatest importance to nearly every citizen of the Territory.

It provides that the words "fiduciary company" shall be construed to mean and include every bank, other than a National Bank; every trust or fiduciary company; every mortgage, loan, building, investment, realty and maturity company; every burial association; every mutual benefit society, and every company carrying on a financial or fiduciary business in the Territory of Hawaii, whether it be a local or a foreign corporation, or a co-partnership or any unincorporated company, irrespective of the name by which such company is designated.

Every such fiduciary company shall make to the Treasurer of the Territory four reports during each year, on March 31, June 30, September 30 and December 31.

The Treasurer of the Territory may at any time make an examination into the affairs of any fiduciary company and for such purpose, he or his deputy, shall have free access to the vaults, books and property of such companies at any time during business hours.